

**From:** [Fugh, Justina](#)  
**To:** [Smith, Charles](#)  
**Subject:** ethics obligations in your new acting position  
**Date:** Wednesday, May 22, 2019 10:56:00 PM  
**Attachments:** [Distinctions between Reporting Transactions on the OGE 278 - January 201... .docx](#)  
[Hatch Act chart February 2017.docx](#)

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Hi there,

Welcome to the wonderful world of public financial disclosure reporting! I understand that you have been acting in the position of Director, [Pesticides Reevaluation Division, OCSPP](#), which is a career SES position. Congratulations! Because this position is designated as SES (even though, yes, we know you are still in the GS), and you'll occupy it for more than 60 days in a calendar year, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report because you are acting in the position. Technically, your "new entrant" report was due no later than 30 days from the date your detail started which was [3/3/19](#), but we will set your due date 30 days from now. Your report will be due 6/21/19. In your position, you are a supervisor [and](#) are obliged by [5 CFR § 2638.103](#) to set an example to model ethical behavior for your staff. The Ethics Office is here to help you if you have any questions!

EPA uses an entirely electronic filing system (called INTEGRITY) for the public financial disclosure reports. This system is operated and secured by the Office of Government Ethics. You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the acting position, you will have to file a termination report (we'll remind you); and (4) you will be subject to a late filing fee of \$200 for not filing your report timely. Plus, there are also civil and criminal penalties for failure to file at all or for inaccurate reporting.

#### THE FINANCIAL DISCLOSURE REPORT, OGE-278e

We created an account for you in INTEGRITY and have assigned you a "new entrant" report. If you are asked to provide an address, use the EPA business address. Do not enter your personal home address. Your filer category is "Career SES" and your filer status is "[other](#)." For help in INTEGRITY, check out the information on the OGC/Ethics website at <http://intranet.epa.gov/ogc/Integrity/Landingpage.html> . The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you don't receive your account notification within three days, then please check your clutter box for messages from INTEGRITY.gov, or contact [ethics@epa.gov](mailto:ethics@epa.gov) so that we can follow up.

#### DEADLINE FOR SUBMITTING THE FORM

INTEGRITY will give you 30 days to complete the form. If you need additional time, you must contact me directly. There is a limit to how much additional time we can give you before late fees kick in, so please pay attention to this requirement.

## HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to report way more information that you did on the confidential financial disclosure report.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. So you are reporting the assets for yourself, your spouse and your dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation.
- Do not report your federal salary, your spouse's federal salary, or TSP
- But if you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- But if your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments, but do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button

## OTHER ETHICS REQUIREMENTS FOR YOU

### STOCK ACT

Because you are required to file the form, you are also now subject to the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction,

but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see EPA Ethics Advisory 2012-03 at [http://intranet.epa.gov/ogc/ethics/Ethics\\_Advisory\\_2012-03.pdf](http://intranet.epa.gov/ogc/ethics/Ethics_Advisory_2012-03.pdf) and our revised chart, also attached.

#### HATCH ACT

Because you are still a GS employee, you will remain “lesser restricted” under the Hatch Act. You should familiarize yourself with the Hatch Act as it affects you, and from the EPA intranet, can gain a good overview by reviewing our online [Hatch Act training course](#) or by referring to our attached handy chart that reminds you of your restrictions.

#### ETHICS TRAINING

As a public financial disclosure filer, you will be reminded by OGC/Ethics to take your one-hour ethics training in 2019 in FedTalent. If you thought you were nagged before, just wait for what happens when I’m the one who is keeping track of your ethics housekeeping requirements!

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

# When to Report Transactions

This table's guidance is effective beginning January 1, 2013 and for informational purposes only. Email [ethics@epa.gov](mailto:ethics@epa.gov) for specific questions.

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on the OGE 278?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes <sup>1</sup>
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" <sup>2</sup>	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust <sup>3</sup>	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

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<sup>1</sup> You do not report the purchase or sale of your personal residence on Schedule B unless you rent it out at any time during the reporting period.

<sup>2</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

There are several types of investment vehicles that are not excepted investment funds, including (but not limited to) managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs). You should note that the individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. If you have questions about whether a particular asset or investment vehicle is an EIF, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>3</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).

## Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

**Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”**

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
<b>Personal (off premises and off duty)</b>			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day	Yes	Yes	Yes
Drive people to polling station on behalf of a campaign	Yes	Yes	No
<b>Affecting Official Resources</b>			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
<b>Fundraising</b>			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

\*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate;  
AD = Administratively Determined; SES = Senior Executive Service

**From:** [Fugh, Justina](#)  
**To:** [Smith, Charles](#)  
**Subject:** FW: URGENT: Your ethics obligations, including financial disclosure!  
**Date:** Saturday, September 25, 2021 4:27:00 PM  
**Attachments:** [Hatch Act chart Sept 2020.docx](#)  
[Hatch Act and Social Media FAQs for lesser restricted employees \(September 2020\).docx](#)  
[Advisory to all 278 filers about filing fee.pdf](#)  
[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

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Oops, one small error: Your filer category is "Career SES" and your filer status is "other."

**From:** Fugh, Justina  
**Sent:** Saturday, September 25, 2021 4:04 PM  
**To:** Smith, Charles <Smith.Charles@epa.gov>  
**Subject:** URGENT: Your ethics obligations, including financial disclosure!

Hi there,

My name is Justina Fugh, and I am the director of EPA's Ethics Office. I understand that you have been detailed to the position of Director, Biopesticides & Pollution Prevention Division in OCSPP, which is a career SES position. Congratulations! And now for the apology ... you're about to read that you have certain ethics obligations that you may not have realized. I'm sorry that we didn't notify you earlier but partly, we didn't know until June and, when we found out, well, sometimes, even important housekeeping tasks just don't get done. I'm sorry about that, truly. We'll do what we can to make the sting a little less, but – deep breath – it's going to be a jolt. We'll start with the easy stuff first but, spoiler alert, you have to file a public financial disclosure report NOW. The only good news is this: because you are filing this public report, you will not need to complete the e450 next year.

#### GENERAL ETHICS OBLIGATION

All EPA employees must abide by the Standards of Ethical Conduct, 5 C.F.R. Part 2635, the federal criminal conflicts of interest statutes, and the Hatch Act. Plus, as a supervisor, you have an additional obligation at [5 CFR § 2638.103](#) to set an example to model ethical behavior for your staff.

#### ETHICS TRAINING

As a public financial disclosure filer, you must take one hour of ethics training every year and will be reminded by OGC/Ethics to do so.

#### HATCH ACT

Even though you are acting in an SES position, your Hatch Act obligations remain the same because you are still a GS employee. Therefore, you remain LESS RESTRICTED under the Hatch Act. You should familiarize yourself with the Hatch Act as it affects you by referring to our attached handy chart and FAQs on social media, or by reviewing our [online Hatch Act training course](#).

Now for the whammy...

#### PUBLIC FINANCIAL DISCLOSURE REPORT

In this position, you are required by the Ethics in Government Act of 1978 to file the Public

Financial Disclosure Report and to report any transactions of stocks or bonds on a periodic basis.

#### DEADLINE FOR SUBMITTING THE REPORT

Technically, your “new entrant” report was due no later than 30 days from the date your effective date, but I don’t know what that date was exactly. We heard that your detail was extended on 6/1/21 but we didn’t get any previous information about the original date. Lacking that information, I’m using 6/1/21 as the date you entered the position that requires you to file this report. I’ve assigned you a new entrant report and given you the maximum extension of time (90 days). Your due date is technically 9/29/21 but don’t fret – I can waive the late filing fee. Your informal deadline is 10/27/21, but if you need more time, then contact [ethics@epa.gov](mailto:ethics@epa.gov) before this “deadline” expires.

#### THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system ( [www.INTEGRITY.gov](http://www.INTEGRITY.gov) ) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we use it to determine whether you have any financial conflicts of interest or other ethics concerns. Because you are filing this report for OGC/Ethics, you will no longer file the confidential financial disclosure report.

We created an account for you in INTEGRITY and have assigned you a “new entrant” report. Your filer category is “Career SES” and your filer status is “other.” For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government’s max.gov site, the gateway to INTEGRITY. If you don’t receive your account notification soon, then please check your spam, clutter and junk boxes for messages from INTEGRITY.gov, or contact [ethics@epa.gov](mailto:ethics@epa.gov).

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the SES, you have to file a termination report (so remember to notify us); (4) you will be subject to a late filing fee of \$200 for not filing your report timely. There are also civil and criminal penalties for failure to file at all or for inaccurate reporting. Please see that attached advisory about late filing fees.

#### YOUR REPORTING PERIODS FOR THE FORM

For this New Entrant (NE) report, you will complete the sections in RED below and apply the following reporting periods:

PART	TITLE	REPORTING PERIOD
1	Filer’s Positions Held Outside United States Government	Preceding Two Calendar Years to Filing Date
2	Filer’s Employment Assets & Income and Retirement Accounts	Preceding Calendar Year to Filing Date*
3	Filer’s Employment Agreements and Arrangements	As of Filing Date
4	Filer’s Sources of Compensation Exceeding \$5,000 in a Year	Preceding Two Calendar Years to Filing Date



5	Spouse's Employment Assets & Income and Retirement Accounts	Preceding Calendar Year to Filing Date*
6	Other Assets and Income	Preceding Calendar Year to Filing Date*
7	Transactions	Not applicable for the NE report
8	Liabilities	Preceding Calendar Year to Filing Date*
9	Gifts and Travel Reimbursements	Not applicable for the NE report

\*For example, if today is March 3, 2021, the reporting period would run from January 1, 2020, to March 3, 2021. When valuing assets and liabilities, you may choose any date that is fewer than 31 days before the filing date.

#### REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

#### REPORTING TRANSACTIONS

As a public filer, you are now required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. This requirement kicked in when you started the detail. You must use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children.

- For any reportable transactions that occurred between when you started this detail and now, put them all on one 278T and submit it. Though they may be late reports, I can waive the late filing fee.
- Going forward, however, you are now on notice that you have to report any future transactions on a 278T and be subject to late filing fees. The \$200 late filing fee is automatic and applies to each missed report. In other words, the maximum late fee for one entire year is \$2400 (12 months x \$200 = \$2400).

For a comprehensive review of reportable transactions, see the attached chart and reminder about the filing deadlines. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report. YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report) for the 278 itself and the transaction reports. PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

#### HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so be prepared for the fact that you will have to report way more information than you did on the confidential financial disclosure report.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan.
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments, but do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button.
- Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help

THIS IS NOT YOUR LAST PUBLIC DISCLOSURE REPORT

Alas, if you remain in this detail position at the end of this calendar year, you will be assigned

an “incumbent” report that will be due in mid-May. Should your detail end and you return to a non-SES position, then you will be required to file a termination report.

Again, my apologies for springing this on you, but we can’t waive this obligation. It’s a statutory requirement because you are acting in an SES position. if you have any questions regarding this message or your obligations, then please contact me directly or anyone in the OGC Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov). We’ll be happy to assist you.

Cheers,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19  
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)<sup>1</sup> and Periodic Transaction Reports (OGE 278-Ts).<sup>2</sup> Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).<sup>3</sup> Unpaid late fees are subject to the Agency's<sup>4</sup> and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>1</sup> See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

<sup>2</sup> Pub. L. 112-105 § 11 (STOCK Act).

<sup>3</sup> See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

<sup>4</sup> See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	<b>Within 30 days</b> of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	<b>No later than May 15</b>
OGE 278e – Termination reports	<b>No later than 30 days after</b> leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports <sup>5</sup>	<b>The earlier of 30 days</b> after learning of a transaction or <b>45 days</b> of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to [ethics@epa.gov](mailto:ethics@epa.gov) **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to [ethics@epa.gov](mailto:ethics@epa.gov), to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.<sup>6</sup>

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact [ethics@epa.gov](mailto:ethics@epa.gov).

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

<sup>5</sup> See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

<sup>6</sup> In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

# Hatch Act and Social Media FAQs

last updated September 2020

## LESSER RESTRICTED EMPLOYEES

The answers below apply to career employees who are GS, SL/ST, ALJ, Title 42, and also to political appointees who are Schedule C or non-career SES. The answers also apply to AD appointees. The answers DO NOT apply to Presidential Appointees, Public Health Service officers, or to career SES.

### **Can I write a blog on which I express support or opposition to partisan political candidates and political parties or otherwise engage in political activity on Facebook or Twitter?**

***Answer:** Yes, you may express your opinions about a partisan group or candidate in a partisan race (e.g., post, "like," "share," "tweet," "retweet"), but there are a few limitations. Specifically, the Hatch Act prohibits you from:*

- *engaging in any political activity via Facebook or Twitter while on duty or in the workplace (no matter what time of day). This restriction about the "federal workplace" also applies to your telework location, e.g., your entire house during your working hours.*
- *referring to your official title or position while engaged in political activity at any time or to bolster your opinions concerning political parties, partisan candidates, or partisan groups. Note that inclusion of your official title or position on your social media profile, without more, is not an improper use of official authority; and*
- *suggesting or asking anyone to make political contributions at any time. You should neither provide links to the political contribution page of any partisan group or candidate in a partisan race nor "like," "share," or "retweet" a solicitation from one of those entities, including an invitation to a political fundraising event. Don't post or retweet links to the contribution page of any partisan websites. You may, however, accept an invitation to a political fundraising event from such entities via Facebook or Twitter.*

### **If I list my official title on my personal Facebook profile page, may I fill in the field provided for "political views" on the Facebook profile?**

***Answer:** Yes, you can identify the political party that you support on your profile. Doing that, without more, is not "political activity" (defined as activity directed toward the success or failure of a political party, partisan candidate, or partisan political group).*

### **May I advocate for or against a political party, partisan political group, or candidate for partisan public office on my Facebook pages or on the pages of others?**

***Answer:** Yes, so long as you don't veer into activity that is expressly prohibited (e.g., fundraising at any time, doing the activity on government time or premises (including your telework location), or using your official title or position). You can't ask or encourage readers to make partisan political contributions and can't post a link to the contribution page of any of those groups' or individuals' websites.*

**May I display a political party logo, campaign logo, or candidate photo as my profile picture on Facebook or Twitter?**

*Answer:* Yes, but you cannot post, share, tweet, or retweet anything on Facebook or Twitter while you are on duty or in the federal workplace. Since your profile picture accompanies your activity on social media, each post, share, tweet, or retweet would show your support for a partisan group or candidate, even if the content is not specifically about those entities.

**May I post a link to the website of a political party, partisan candidate, or partisan political group on my or another's Facebook page or blog?**

*Answer:* Yes, provided you do this on your own time and location. Don't provide a link that leads directly to the page of the website where readers can contribute money to the party, group, or candidate.

**If I am "friends" with any of my subordinate employees, can I advocate for or against a political party, partisan political group, or candidate for partisan public office on my or their Facebook pages?**

*Answer:* Yes, but be careful. It would be okay if your statements are directed to all of your Facebook "friends," e.g., if you posted your opinion concerning a candidate in your Facebook "status" field. BUT you would be violating the Hatch Act if you specifically directed comments to your subordinates or to a subset of friends that includes subordinates by sending a Facebook "message." That's purposefully targeting subordinates with the message, as opposed to the open posting in which subordinates see your opinions by chance. By the way, never send an email to your subordinates that is directed at the success or failure of a political party, partisan political group, or partisan candidate. Be particularly careful about editorials, newspaper articles or political cartoons. It's possible that the enforcers of the Hatch Act (the Office of Special Counsel) might view those e-mails as ones that purposefully target subordinates, and thus conclude they are an improper use of your official authority or influence to affect the result of an election.

**What should I do if one of my Facebook friends posts a comment on my Facebook page that solicits partisan political contributions or posts a link to the contribution page?**

*Answer:* Well, we recognize that you're not responsible for the acts of a third-party, even if that person's actions appear on your Facebook pages. If your "friend" posts a link to the partisan political contribution page, then you don't need to do anything to remove it. BUT you can't post any comments that would tend to encourage (or discourage) other readers to donate. You could also decide to remove that post from your page.

**May I become a "friend" or "fan" of, or "like," the Facebook page of a political party, partisan political group, or partisan candidate?**

*Answer:* Yes, but subject to the usual limitations. During duty hours or while in the federal workplace, don't suggest that others "like," "friend," or become a "fan" of the party, group, or

*candidate, accept an invitation to a partisan political event, or forward the invitation to others. Don't forget that you can never solicit, accept, or receive political contributions at any time. So if you receive an invitation from the party, group, or candidate to a fundraising event via Facebook or Twitter, you are always prohibited from sharing that invitation with others.*

**May I use an alias to create a Facebook page or Twitter account and be a “fan” of, “like,” or “follow” a political party, partisan political group, or partisan candidate?**

***Answer:** Yes, but you are still subject to the Hatch Act even when you act under an alias. But, really, would you do that? Please say no.*

**May I use a Facebook or Twitter account in my official capacity to engage in political activity?**

***Answer:** No. Any social media account created in your official capacity should be limited to official business matters and remain politically neutral.*

**May EPA have a Facebook or Twitter account that includes information or links to information about a partisan group or candidate in a partisan race?**

***Answer:** No. EPA's Facebook or Twitter account, like the official website, should be limited to official business matters and remain politically neutral. Our official social media account should not “friend,” “like,” “follow,” “tweet,” or “retweet” about a partisan group or candidate in a partisan race or link to the social media accounts of such entities.*

**May EPA post a news article about the Administrator's speech at a political event for a candidate in a partisan race on the agency's Facebook or Twitter account?**

***Answer:** No. Any information or links to information about any federal agency official's attendance or speech at a political event for a candidate in a partisan race should not be posted on EPA's Facebook or Twitter account.*



**May I create a Facebook or Twitter page in my official capacity and advocate for or against a political party, partisan political group, or partisan candidate on the page?**

***Answer: NO.** Any page created in your official capacity or used for official purposes must be limited to official business matters and must remain politically neutral and used only to share information about the agency's official business. Official pages cannot be linked to partisan political websites nor include any articles or commentary about an EPA official's speech or attendance at a partisan political event.*

## Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

**Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”**

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
<b>Personal (off premises and off duty)</b>			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day and receive compensation for that work	Yes	Yes	Yes but nonpartisan only
Drive people to polling station on behalf of a campaign	Yes	Yes	No
<b>Affecting Official Resources</b>			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
<b>Fundraising</b>			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

\*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service

# When to Report Transactions

FILING DEADLINE : 30 days from notification or 45 days from transaction *whichever is earlier*

**A \$200 late filing fee penalty is assessed for each late periodic reporting period<sup>1</sup>**

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Investment assets held by you, your spouse, or jointly held		
• Stocks or stock options	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• Commodity futures	Yes	Yes
• Other investment securities	Yes	Yes
• Assets listed above in your individual, joint, or spousal brokerage accounts managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Stocks	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• commodity futures	Yes	Yes
• other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> or UGMA brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes <sup>2</sup>
• Mutual funds, exchange traded funds, 529 plans, index funds, and/or other "excepted investment funds" <sup>3</sup>	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals) or certificates of deposit	No	No
• Money market accounts and mutual funds	No	No
• US Treasury securities (e.g., T bills, Treasury bonds, savings bonds)	No	No
• Federal government retirement accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust <sup>4</sup>	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

Last updated November 2020

<sup>1</sup> This late fee is automatically imposed by law and is non-negotiable. You may request a waiver of any late filing fee from the Designated Agency Ethics Official or the Alternate DAEO if there are extraordinary circumstances. A fee waiver is at the sole discretion of the DAEO/ADAEO and is not subject to appeal. A filer who has unpaid late fees will be referred to the appropriate federal office or agency for debt collection procedures.

<sup>2</sup> Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

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<sup>3</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>4</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).

**From:** [Fugh, Justina](#)  
**To:** [Smith, Charles](#)  
**Cc:** [ethics](#)  
**Subject:** hello from EPA Ethics!  
**Date:** Monday, March 14, 2022 9:42:00 AM  
**Attachments:** [Hatch Act chart Sept 2020.docx](#)  
[Advisory to all 278 filers about filing fee.pdf](#)  
[When to Report Transactions on the OGE 278T and Part 7 - May 2019.docx](#)  
[image003.png](#)

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Hi there,

First of all, congratulations on your permanent selection to the SES! As a supervisor, you are obliged by [5 CFR § 2638.103](#) to set an example to model ethical behavior for your staff. I want to remind you also to take note of your Hatch Act obligations, which changed when you entered the SES. As a career SES employee, **you are now MORE RESTRICTED under the Hatch Act**. You cannot ever work with any partisan political campaign, candidate or election, even in your personal capacity. For example, you can still go down to campaign headquarters to get a sign to put in your own yard, but you can't pick up a second sign to give to your sister or your neighbor. You should familiarize yourself with the Hatch Act as it affects you, and from the EPA intranet, can gain a good overview by reviewing our online [Hatch Act training course](#) or by referring to our attached handy chart that reminds you of your restrictions.

With respect to your financial disclosure, this notification that you received is your annual reminder that it's time to file your public financial disclosure report. Here is the history of your 278 filing status:

An Ink Drawing



The notification you received is for your annual report. You can see that this is the second consecutive year that you've been asked to file this report, which is always due in mid-May. This year, the report is due May 16<sup>th</sup> (because the 15<sup>th</sup> is a Sunday).

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Smith, Charles <Smith.Charles@epa.gov>

Sent: Wednesday, March 2, 2022 9:57 AM

To: ethics <ethics@epa.gov>

Subject: FW: Integrity.gov: Report Assigned

Can you please let me know what this is for? I have been back and forth on this several times at this point. I was serving a detail and now have been selected permanently as of January 15th. I thought I had just updated my report to reflect my permanent status. Is this to close out the detail report and if so the information and position is the same. Any help you can provide would be beneficial before I spend more time on this. Thanks.

Charles "Billy" Smith

Division Director

Biopesticides and Pollution Prevention Division Office of Pesticide Programs

-----Original Message-----

From: Integrity.gov <[notifications@integrity.gov](mailto:notifications@integrity.gov)>

[url=https%3A%2F%2Fintegrity.gov%2F&data=04%7C01%7CSmith.Charles%40epa.gov%7C5a988d9f8ce241cd5b6408d9fc5c6fd8%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637818296321254045%7CU](https://www.fintegrity.gov/?data=04%201%20Smith.Charles%40epa.gov%205a988d9f8ce241cd5b6408d9fc5c6fd8%20C88b378b367484867acf976aacbeca6a7%200%200%20C637818296321254045%20C)

nknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C2000&data=SYgnoA5jX4wAEEUsc977DRkiy32sLY532bdpVq29Ak%3D&reserved=0. INTEGRITY will route you to the OMB's secure system, MAX.gov, for authentication. We already established accounts in MAX.gov and INTEGRITY for you.

- Your current MAX.gov ID is your EPA email address (if you have one).
- If you've never used MAX.gov, then you'll be prompted to create a password. If you have used MAX.gov before, then use the password you already created to access your account (or reset that password if you forgot or it's now expired).
- INTEGRITY saves partially completed forms for you so you can return anytime you want.
- For problems with MAX.gov, contact them directly for assistance at [MAXSupport@max.gov](mailto:MAXSupport@max.gov) or call 202-395-6860.

#### INTEGRITY LOG-IN REMINDERS

- When you first log-in to INTEGRITY, you will see a "contact information" screen to review and complete. At the bottom, indicate that you have read and agree to the User Agreement, then click Submit to view your account. You'll then land on a "My Tasks" dashboard where you will see the task assigned you (e.g., your new entrant OGE-278e).
- INTEGRITY has helpful resource tools, but you need to be logged on to see them. To learn more about INTEGRITY, check out the "For Filers" tab on the INTEGRITY resource page. If you are having any problems with INTEGRITY itself, send an email to [ethics@epa.gov](mailto:ethics@epa.gov).

**From:**[Fugh, Justina](#)**To:**

Adams, Elizabeth; Amon, Dan; Ankley, Gerald; Aunkst, Dana; Avila, Aaron; Badalamente, Mark; Ballotti, Doug; Barber, Delores; Barmakian, Nancy; Barnett, Henry; Barolo, Mark; Barr, Pamela; Battin, Andrew; Behl, Betsy; Benjamin-Sirmons, Denise; Bergstrand, Paul; Best-Wong, Benita; Binder, Bruce; Birnbaum, Rona; Biro, Susan; Blake, Wendy; Blacato, Jerry; Blevins, John; Bloom, David; Boddu, Veera; Bohan, Suzanne; Bonanno, Gale; Bourbon, John; Breen, Barry; Brennan, Thomas; Brincks, Mike; Briskin, Jeanne; Buckley, Timothy; Buhl, Rick; Bunker, Byron; Burneson, Eric; Busterud, Gretchen; Campbell, Jennie; Canzler, Erica; Caro, Vique; Carpenter, Wesley; Cascio, Wayne; Charmley, William; Cherry, Katrina; Chu, Ed; Clanton, Michael; Clark, Becki; Coleman, Charlotte; Conklin, Jeanne; Coogan, Daniel; Coughlin, Christine; Cozad, David; Crossland, Andy; Crossland, Ronnie; Dalbey, Matthew; Daly, Carl; Dawes, Katherine; Dawson, Jeffrey; DeLeon, Rafael; Diaz-Sanchez, David; Dierker, Carl; Dombrowski, John; Dorka, Lilian; Douchand, Larry; Drake, Kerry; Dufour, Alfred; Dunham, Sarah; Dutton, Steven; Echeverria, Marietta; Edwards, Jonathan; Epley, Brian; Epp, Timothy; Esher, Diana; Eubanks, Kristy; Evangelista, Pat; Fernandez, Cristina; Fine, Steven; Fisher, Bill; Fong, Tera; Frazer, Brian; Freeman, Caroline; Fugh, Justina; Garcia, David; Garland, Jay; George, Elizabeth; Gettle, Jeaneanne; Gillespie, Andrew; Gilliland, Alice; Goodin, John; Goodis, Michael; Goss Eng, Alison; Grantham, Nancy; Gray, Linda; Gray, Richard; Greene, Mary; Grifo, Francesca; Grundler, Christopher; Guerrero, Carmen; Guilaran, Yu-Ting; Guiseppi-Elie, Annette; Gullett, Brian; Gunning, Paul; Gutierrez, Sally; Gwinn, Maureen; Hagler, Gayle; Hamjian, Lynne; Hamlin, Tim; Harris, Michael; Hart, Debbi; Hartman, Mark; Haugen, David; Helm, Arron; Hengst, Benjamin; Henry, Tala; Hill, Randy; Hisel-McCoy, Sara; Hitchens, Lynann; Hoff, Dale; Holt, Kay; Hoskinson, Carolyn; Hubbell, Bryan; Huffman, Diane; Hughes, Hayley; Humphrey, Leslie; Hunt, JuanCarlos; Iglesias, Ariel; Jackson, Yvette; Jernberg, Jorriane; Johnson, Arthur; Jones, Samantha; Jones-Peeler, Meshell; Jordan, Deborah; Judson, Richard; Kaczmarek, Chris; Kadeli, Lek; Kamen, Mara; Kaplan, Robert; Kasman, Mark; Keeley, Ann; Keigwin, Richard; Kelley, Rosemarie; Kemker, Carol; Kenny, Shannon; Kloss, Christopher; Knudsen, Thomas; Koerber, Mike; Korleski, Christopher; Koslow, Karin; Kowalski, Edward; LaPosta, Dore; Lassiter, Penny; Lattimore, Craig; Laureano, Javier; Layne, Arnold; Le, Madison; Lee, Charles; Legare, Pamela; Leonard, Paul; Li, Beverly; Libertz, Catherine; lindsay.nancy@epa.gov; Lloyd, David; Lowery, Bried; Lowit, Anna; Lupinacci, Jean; Lynch, Mary-Kay; Mackey, Cyndy; Maguire, Charles; Maher, Karen; Manning, Tonya; Martiyan, Stefan; Mathias, Scott; Mathur, Rohit; Matuszko, Jan; May, Benjamin; Mazakas, Pam; McCluney, Lance; McDonald, James; McGartland, Al; McGuire, Karen; McGuire, James; McLain, Jennifer L.; McManus, Catharine; Melvin, Karen; Messina, Edward; Miller, Anthony; Miller, Wynne; Miller, Amy; Monell, Carol; Mooney, John; Moraff, Kenneth; Mosby, Jackie; Mottley, Tanya; Mugdan, Walter; Munns, Wayne; Myrick, Pamela; Nagle, Deborah; Nam, Ed; nesci.kimberly@epa.gov; Neugeboren, Steven; Newton, Cheryl; Nguven, Duch; Nichols, Tonya; Nickerson, William; Nicolosi, Laura; Noga, Vaughn; O'Brien, Kathy; O'Connor, Darcy; Ohanian, Edward; Olson, Bryan; Opalski, Dan; Osinski, Michael; Pace, Donald; Packard, Elise; Palmer, Leif; Patlewicz, Grace; Patrick, Kimberly; Payne, James (Jim); Pease, Anita; Perez, Marc; Peterson, Mary; Pirzadeh, Michelle; Pollins, Mark; Price-Fay, Michelle; Quast, Sylvia; Reaves, Elissa; Reed, Khesha; Richardson, RobinH; Roache, Brendan; Robbins, Chris; Robichaud, Jeffery; Rodan, Bruce; Rodrigues, Cecil; Ross, Mary; Rowson, David; Ruvo, Richard; Salyer, Kathleen; Sams, Reeder; Sanders, Amy; Sasser, Erika; Sasseville, Sonya; Sawyers, Andrew; Sayles, Gregory; Schefski, Kenneth (KC); Scheraga, Joel; Schmidt, Lorie; Scott, Jeff; Scozzafava, MichaelE; Seager, Cheryl; Serassio, Helen; Shah, Imran; Shapiro, Andy; Shaw, Betsy; Sheehan, Charles; Shields, Edward; Simon, Harvey; Simon, Karl; Simon, Nigel; Singh, Amar V.; Singletary, DeAndre; Skelley, Dana; Smidinger, Betsy; Smith, Mark A.; Smith, Charles; Speth, Thomas; Srinivasan, Gautam; Stalcup, Dana; Stanich, Ted; Starfield, Lawrence; Steenbock, John; Stein, Kathie; Stein, Raffael; Strong, Jamie; Szaro, Deb; Talbert-Duarte, Angelia; Tapia, Cecilia; Tapp, Joshua; Taylor, Jessica; Tejada, Matthew; Tellis, Vickie; Terada, Calvin; Terris, Carol; Thayer, Kris; Thomas, Deb; Thomas, Russell; Thompkins, Anita; Thornhill, Alan; Tomiak, Robert; Torres, Tomas; Trimble, Katherine; Tsirigotis, Peter; Updike, David; VanDrunick, Suzanne; Veal, Lee; Viswanathan, Krishna; Vogel, Dana; Wall, Tom; Walsh, Ed; Watkins, Tim; Wayland, Richard; Weber, Rebecca; Wells, Jeffrey; Wells, Krysti; Werner, Jacqueline; Whung, Pai-Yei; Widawsky, David; Williams, Antony; Williams, Maria; Williamson, Anahita; Wood, Anna; Wood, Robert; Wooden-Aguilar, Helena; Wright, Stephanie L.; wyatt.marc@epa.gov; Zapata, Cesar; Zartarian, Valerie; Zepp, Richard

**Subject:**

News about your upcoming financial disclosure filing requirement

**Date:**

Sunday, January 23, 2022 9:06:00 PM

**Attachments:**

[Advisory to all 278 filers about filing fee.pdf](#)  
[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

Hi there,

As you are undoubtedly – and perhaps even painfully -- aware, you are in a position (either acting or permanently) that requires you to file the public financial disclosure report (also known as the 278). This year, we will be assigning your incumbent reports to you *in late February*, so not as early as in previous years. Your due date will be May 16 (because 5/15 is a Sunday), and the reporting period for your incumbent report will be CY 2021 only. But, hey, since I have your attention, allow me to share some important reminders about 278s:

- *Did you know?* EPA was among the first federal agencies to adopt INTEGRITY, the electronic financial disclosure filing system. We've been using it since 2015. Government-wide, there are now more than 35,000 users of this system. At EPA, we typically have more than 250 public filers at any time.



- *Remember about periodic transaction reporting!* You are required to report any transactions of stocks or bonds more than \$1000 within 30 days after receiving notice but not later than 45 days after the trade itself. Do so by filing a 278T in INTEGRITY. If you are late, then you are subject to an automatic late filing fee of \$200 for missing the deadline. Attached is our reminder about late filing fees as well as a chart about transaction reporting. Alas, last year, we had to fine more than half a dozen people for late transaction filings.
- *Whom should you contact with questions?* Four of us in OGC/Ethics review 278s, so here's the list of contacts for you:

OGC/Ethics	ORGANIZATIONS
Victoria Clarke	OIG, OGC, OMS, OW, Regions 3 and 4
Justina Fugh	AO, OCFO, OITA and Regions 8, 9 and 10
Shannon Griffo	OAR, OCSPP, OECA and Regions 1 and 2
Ferne Mosley	OLEM, ORD and Regions 5, 6 and 7

Thanks for your attention to ethics issues, and we know you're eagerly anticipating the start of the public financial disclosure reporting season later in February!

Cheers,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Smith, Charles](#)  
**To:** [Griffo, Shannon](#)  
**Subject:** RE: Follow-up from OGC/Ethics - financial disclosure  
**Date:** Wednesday, November 17, 2021 10:09:59 AM

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Thanks Shannon. It is indeed the same one but my year was up and I had to reapply for the same one. I appreciate it!

Charles "Billy" Smith  
Acting Division Director  
Biopesticides and Pollution Prevention Division  
Office of Pesticide Programs

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**From:** Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Sent:** Wednesday, November 17, 2021 10:08 AM  
**To:** Smith, Charles <Smith.Charles@epa.gov>  
**Subject:** Follow-up from OGC/Ethics - financial disclosure

Hi Charles,

I was taking a look at the New Entrant report you recently filed in INTEGRITY and realized that it was for the same position in which you filed your other New Entrant Report in 2020 (followed by your Annual Report in 2021). If it is indeed the same acting position, you didn't have to complete another New Entrant Report. I checked with Justina and she said it was her mistake, and we could go ahead and delete the recent one. You'll just be required to file your next Annual Report in May 2022. Sound good?

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office  
U.S. Environmental Protection Agency  
(202) 564-7061

**From:** [Smith, Charles](#)  
**To:** [Fugh, Justina](#); [ethics](#)  
**Subject:** RE: IMPORTANT ETHICS REMINDER!!  
**Date:** Monday, September 23, 2019 8:57:27 AM

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I still need an answer to this question. This system is not intuitive whatsoever and I just got another email that I need to file a periodic update report by 10/9/19. I have not been in the SES job for the past 3-4 months. My new entrant report was never approved and I have no idea on how to file a termination report. Please provide some assistance. Thanks.

Charles "Billy" Smith  
Deputy Director  
Pesticide Re-Evaluation Division  
Office of Pesticide Programs  
703-305-0291

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**From:** Smith, Charles  
**Sent:** Monday, September 9, 2019 8:49 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: IMPORTANT ETHICS REMINDER!!

How do I file a termination report? My new entrant report was never even approved.

Charles "Billy" Smith  
Deputy Director  
Pesticide Re-Evaluation Division  
Office of Pesticide Programs  
703-305-0291

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, September 6, 2019 3:18 PM  
**Subject:** IMPORTANT ETHICS REMINDER!!

Dear Public Financial Disclosure Filer –

You occupy a position that requires you to file the public financial disclosure reports (the OGE 278 and the OGE 278T) using the INTEGRITY system. I'm writing to remind you that you must file your reports timely and accurately. THERE IS A LATE FEE of \$200 for failure to file reports timely, including those periodic transaction reports. And you really need to answer our questions about your reports within 30 days.

We're concerned that our filers are not being mindful of these obligations, particularly the need to file periodic transaction reports. Attached is an advisory from the Acting Designated Agency Ethics Official that reviews your filing obligations and includes a chart about periodic transaction filing. Please read through it carefully. For those of you with shorter attention spans (ha!), here is a chart to use:

TYPE OF REPORT	FILING DEADLINE
OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered

	position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports	The earlier of 30 days after learning of a transaction or 45 days of the transaction taking place
Questions from OGC/Ethics about your report	Within 30 days

It's YOUR obligation to know your filing obligations, including the requirements for periodic transactions. If you have a managed account, it's still YOUR obligation to file the reportable periodic transactions timely, so you really need to be alert. Going forward, OGC/Ethics will be more assiduous about assessing late filing fees. Although the attached advisory tells you how to request a waiver of the late fee, they will not be granted automatically.

Thanks for your attention to this important matter, and for keeping ethics in the forefront of all you do.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Mosley, Ferné  
**To:** Smith, Charles  
**Subject:** RE: In egrity go: Report Returned  
**Date:** Tuesday, October 27, 2020 1:50:00 PM

---

Thank you Charles. That's the information that was needed. I've certified the report.

Sincerely, Ferné

Ferné L. Mosley, Attorney-Adviser  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North Room 113A  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
(202) 566-8016 (desk)  
(202) 306-2998 (mobile)  
mosley.ferne@epa.gov

-----Original Message-----

From: Smith, Charles <Smith.Charles@epa.gov>  
Sent: Monday, October 26, 2020, 3:22 PM  
To: Integrity go - Notification <notifications@integrity.gov>  
Cc: Mosley, Ferné <mosley.ferne@epa.gov>  
Subject: RE: Integrity go - Report Returned

I resubmitted just now and I think I have added what was asked for in your email. Thanks.

Charles "Bilby" Smith  
Acting Director  
Biopersistent and Pollution Prevention Division Office of Pesticide Programs

-----Original Message-----

From: Integrity go - notifications@integrity.gov >  
Sent: Monday, October 26, 2020, 2:00 PM  
To: Smith, Charles <Smith.Charles@epa.gov>  
Cc: Mosley, Ferné <mosley.ferne@epa.gov>  
Subject: Integrity go - Report Returned

Dear Smith III, Charles William

This is your gentle reminder that Mosley, Ferné L. requested that you amend your 2020 New Entrant Report filed 10/19/2020. You were given 10 days to make the changes and submit the report back to us. Please make the necessary changes as soon as possible! Access your report at [https://gcc01.safelinks.protection.outlook.com/?url=https://www.epa.gov/2020/10/19/2020-New-Entrant-Report-Returned&data=02%7C01%7Cmosley.ferne%40epa.gov%7C037ed1c7efe3bb1abc08d879ec36e5%7C88b37883678867ac6976aacbecafa7%7C09%7C09%7C63739311311326717&asdata=zCOEg%2BfgeLJY1A50EaU\\_n0Mnx\\_zDx1x6%2B1pRqNjQ5%3D&asreser=ed-0](https://gcc01.safelinks.protection.outlook.com/?url=https://www.epa.gov/2020/10/19/2020-New-Entrant-Report-Returned&data=02%7C01%7Cmosley.ferne%40epa.gov%7C037ed1c7efe3bb1abc08d879ec36e5%7C88b37883678867ac6976aacbecafa7%7C09%7C09%7C63739311311326717&asdata=zCOEg%2BfgeLJY1A50EaU_n0Mnx_zDx1x6%2B1pRqNjQ5%3D&asreser=ed-0). If you have any questions, send a note to [ethics@epa.gov](mailto:ethics@epa.gov). For additional help with the report, see <https://gcc01.safelinks.protection.outlook.com/?url=https://www.epa.gov/2020/10/19/2020-New-Entrant-Report-Returned&data=02%7C01%7Cmosley.ferne%40epa.gov%7C037ed1c7efe3bb1abc08d879ec36e5%7C88b37883678867ac6976aacbecafa7%7C09%7C09%7C63739311311326717&asdata=EQ07Eauy7KL5d0k6H77y9f3n01B8GndLhmkEhYKz5%3D&asreser=ed-0>.

**From:** [Mosley, Ferne](#)  
**To:** [Smith, Charles](#)  
**Subject:** RE: Integrity go - Report Returned  
**Date:** Monday, October 26, 2020 11:36:00 AM

---

Hello yes we need to know the assets in the account.

See the examples here

Defined contribution plans

[https://www.epa.gov/Web/278cGuide.mfa53c5319\\_cfa2d85257ca100\\_b1faw3b387\\_1a\\_7d6d95885257f\\_50059\\_79c7OpenDocument](https://www.epa.gov/Web/278cGuide.mfa53c5319_cfa2d85257ca100_b1faw3b387_1a_7d6d95885257f_50059_79c7OpenDocument)

Defined benefit plans

[https://www.epa.gov/Web/278cGuide.mfa53c5319\\_cfa2d85257ca100\\_b1faw\\_c1db\\_eab0187f985257f\\_5005918ca7OpenDocument](https://www.epa.gov/Web/278cGuide.mfa53c5319_cfa2d85257ca100_b1faw_c1db_eab0187f985257f_5005918ca7OpenDocument)

Ferne L. Mosley A forney-Ad isor  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North Room 113A  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
(202) 56-8066 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

-----Original Message-----

From: Smith, Charles <[Smith.Charles@epa.gov](mailto:Smith.Charles@epa.gov)>  
Sent: Monday, October 26, 2020 10:12 AM  
To: Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>  
Subject: RE: Integrity go - Report Returned

I did receive it. I'm not exactly sure what you specifically need. Do you need to know exactly what her retirement is invested in?

Charles "Bibb" Smith  
Acting Director  
Biopesticides and Pollution Prevention Division Office of Pesticide Programs

-----Original Message-----

From: Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>  
Sent: Monday, October 26, 2020 10:36 AM  
To: Smith, Charles <[Smith.Charles@epa.gov](mailto:Smith.Charles@epa.gov)>  
Subject: RE: Integrity go - Report Returned

Hello I'm checking to make sure that you've received this message that your financial disclosure report needs amendment to include your spouse's **(b) (6)**. Please let me know if you have any questions. Otherwise please return the report with the required information on or before Monday November 2.

Sincerely Ferne

Ferne L. Mosley A forney-Ad isor  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North Room 113A  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
(202) 56-8066 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

-----Original Message-----

From: Integrity go <[notifications@integrity.go](mailto:notifications@integrity.go)>  
Sent: Monday, October 19, 2020 18:PM  
To: Smith, Charles <[Smith.Charles@epa.gov](mailto:Smith.Charles@epa.gov)>  
Cc: Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>  
Subject: Integrity go - Report Returned

Hello the assets in your spouse's **(b) (6)** with a value over \$1,000 need to be identified by name as a separate line item **(b) (6)** is just a tax designation but does not identify the assets within the plan.

Please add the required information and resubmit the report within 14 days. If you have any questions please email me at [mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov) or contact me at 202-306-2998. For additional guidance see <https://gc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww2.epa.gov%2FWeb%2F278cGuide.mfa&amp;data=02%7C01%7Cmosley.ferne%40epa.gov%7C0662c8c2b1a1fae9da508d879bd58f%7C88b378b3678867ac9f76aacbecafe7%7C00%7C03739320110788890&amp;data=ybWC%3BkPP8P1cOUkSX2hPEbTjZdJNylkaSY6ak7%3D&amp;reser=ed-0>

Sincerely Ferne Mosley-OGC-Ethics

**From:** Mosley, Ferné  
**To:** Smith, Charles  
**Subject:** RE: In egrity go: Report Returned  
**Date:** Tuesday, October 27, 2020 1:50:00 PM

---

Thank you Charles. That's the information that was needed. I've certified the report.

Sincerely, Ferné

Ferné L. Mosley, Attorney-Adviser  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North Room 113A  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
(202) 566-8016 (desk)  
(202) 306-2998 (mobile)  
mosley.ferne@epa.gov

-----Original Message-----

From: Smith, Charles <Smith.Charles@epa.gov>  
Sent: Monday, October 26, 2020, 3:22 PM  
To: Integrity go - Notification <notifications@integrity.gov>  
Cc: Mosley, Ferné <mosley.ferne@epa.gov>  
Subject: RE: Integrity go - Report Returned

I resubmitted just now and I think I have added what was asked for in your email. Thanks.

Charles "Bilby" Smith  
Acting Director  
Biopersistent and Pollution Prevention Division Office of Pesticide Programs

-----Original Message-----

From: Integrity go - notifications@integrity.gov  
Sent: Monday, October 26, 2020, 2:00 PM  
To: Smith, Charles <Smith.Charles@epa.gov>  
Cc: Mosley, Ferné <mosley.ferne@epa.gov>  
Subject: Integrity go - Report Returned

Dear Smith III, Charles William

This is your gentle reminder that Mosley, Ferné L. requested that you amend your 2020 New Entrant Report filed 10/19/2020. You were given 10 days to make the changes and submit the report back to us. Please make the necessary changes as soon as possible! Access your report at <https://gcc01.safelinks.protection.outlook.com/?url=https://www.epa.gov/2020/10/19/2020-New-Entrant-Report-Returned&data=02%7C01%7Cmosley.ferne%40epa.gov%7C037ed1c7efe3bb1abc08d879ec36e5%7C88b37883678867ac6976aacbecafa7%7C09%7C09%7C63739311311326717&asdata=zCOEg%2BfgeLJY1A50EaUn0MnxzDx1x6%2B1pRqNjQ5%3D&asreser=ed-0>. If you have any questions, send a note to [ethics@epa.gov](mailto:ethics@epa.gov). For additional help with the report, see <https://gcc01.safelinks.protection.outlook.com/?url=https://www.epa.gov/2020/10/19/2020-New-Entrant-Report-Returned&data=02%7C01%7Cmosley.ferne%40epa.gov%7C037ed1c7efe3bb1abc08d879ec36e5%7C88b37883678867ac6976aacbecafa7%7C09%7C09%7C63739311311326717&asdata=EQ07Eauy7KL5d0k6H77y9f3n01B8GndLhmkEhYKz5%3D&asreser=ed-0>.

Message

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**From:** Smith, Charles [Smith.Charles@epa.gov]  
**Sent:** 6/6/2019 6:16:15 PM  
**To:** Ross, Margaret [Ross.Margaret@epa.gov]  
**Subject:** RE: Question

That's news to me. I never saw any paperwork...

I will work on filling out things over the weekend. Thanks.

Charles "Billy" Smith  
Deputy Director  
Pesticide Re-Evaluation Division  
Office of Pesticide Programs  
703-305-0291

---

**From:** Ross, Margaret  
**Sent:** Thursday, June 6, 2019 2:15 PM  
**To:** Smith, Charles <Smith.Charles@epa.gov>  
**Subject:** RE: Question

Hi Charles,

Actually, there was official paperwork done. On 4/22/19, OHR Executive Services processed an action in FPPS to record that you had been assigned to an SES detail starting 3/3/19 which is set to end 6/30/19. So you've been in the SES on detail since March, and so far as I can tell, you will continue to be until your detail is over in three weeks.

Anyone who works for more than 60 days in an SES position in a given calendar year is required by law to file, even detailees. I know it's a burden, but it is the law.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

---

**From:** Smith, Charles  
**Sent:** Thursday, June 6, 2019 1:50 PM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** RE: Question

I was not ever formally appointed to the acting position via any sort of paperwork. I did technically "serve" in the role. If I need to fill it out I will but it just seemed silly to me as I never actually "held" the role. Thanks.

Charles "Billy" Smith



Deputy Director  
Pesticide Re-Evaluation Division  
Office of Pesticide Programs  
703-305-0291

---

**From:** Ross, Margaret  
**Sent:** Thursday, June 6, 2019 1:47 PM  
**To:** Smith, Charles <[Smith.Charles@epa.gov](mailto:Smith.Charles@epa.gov)>  
**Subject:** RE: Question

Hi Charles,

It looks like your appointment date to the acting position was on 3/3/2019, is that correct? And you're currently still in the position (until the selected candidate begins)? If so, it means you've served in an SES position for more than 60 calendar days in a given calendar year, which means that a new entrant report is required within 30 days of your start date. We don't have any authority to waive that requirement for detailees. I think that your report may have been assigned late, because I see your due date for the new entrant report is 6/21.

You will also need to complete a termination report within 30 days of leaving the position. Do you know when your last day will be? This report will be easy to complete, because you'll be able to use your certified new entrant report to populate it.

We know that the 278 is a detailed and difficult report to complete, so please feel free to give me a call if you require assistance.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

-----  
**From:** Smith, Charles  
**Sent:** Thursday, June 6, 2019 11:10 AM  
**To:** ethics  
**Subject:** Question

I did not get selected to be the Acting Director of PRD in the Office of Pesticide Programs. An announcement will be coming out today stating that. Do I need to complete the Integrity info given this information. Thanks.

Charles "Billy" Smith

Deputy Director

Pesticide Re-Evaluation Division

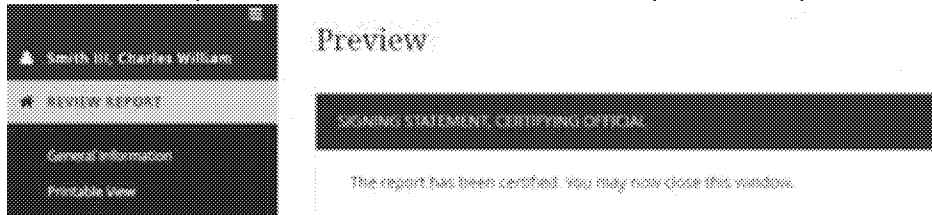
Office of Pesticide Programs

703-305-0291

Message

**From:** Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]  
**Sent:** 9/23/2019 6:17:12 PM  
**To:** Smith, Charles [Smith.Charles@epa.gov]  
**Subject:** RE: RE: IMPORTANT ETHICS REMINDER!!

New Entrant Report is certified. Please let me know if you need any assistance with the Termination Report.



Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 | work cell 202-527-0432

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**From:** Smith, Charles <Smith.Charles@epa.gov>  
**Sent:** Monday, September 23, 2019 1:59 PM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** RE: RE: IMPORTANT ETHICS REMINDER!!

Sorry I was not at my desk. I appreciate the assistance. I can confirm that what I submitted under my new entrant report is correct.

Charles "Billy" Smith  
Deputy Director  
Pesticide Re-Evaluation Division  
Office of Pesticide Programs  
703-305-0291

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**From:** Ross, Margaret <Ross.Margaret@epa.gov>  
**Sent:** Monday, September 23, 2019 1:27 PM  
**To:** Smith, Charles <Smith.Charles@epa.gov>  
**Subject:** FW: RE: IMPORTANT ETHICS REMINDER!!

Hiya,

I just left you a voicemail, but wanted to follow up by email as well. (Do you go by Billy or Charles?)

1. It looks like your New Entrant report was sent back to you for further information, which you promptly provided and re-submitted the following day. It's been languishing there since. Sorry about that. I can certify your report. Could you please confirm that:
  - a. You have no reportable outside activities and have no outside positions. You are not an active participant in any organization that does business with the EPA, and you do not serve as an officer or fiduciary (such as trustee) for any organization or legal entity (such as a family trust).
  - b. 

**Ex. 6 Personal Privacy (PP)**  
Ex. 6 Personal Privacy (PP)

2. As for your termination report – you’re right to be frustrated! One was never assigned to you. Assignment of termination reports happens when we’re notified by HR that someone has left a filing position. That notification can sometimes be delayed, and for details it can be...inconsistent. We’ll circle back to HR to see if we can track down your particular situation for our own tracking purposes. In the mean-time, I’ll go in and assign you a report. You’ll receive a link from Integrity by email. Don’t forget to use your new entrant report to prepopulate your termination report! So long as nothing changed for your financially during your tenure in the filing position, it should be quite easy.

Best,  
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

**From:** [Fugh, Justina](#)  
**To:** [Smith, Charles](#)  
**Subject:** Your ethics obligations in your acting position  
**Date:** Sunday, October 18, 2020 12:07:00 AM  
**Attachments:** [Advisory to all 278 filers about filing fee.pdf](#)  
[Hatch Act and Social Media FAQs for lesser restricted employees \(September 2020\).docx](#)  
[Hatch Act chart Sept 2020.docx](#)  
[reporting periods for 278s.docx](#)  
[When to Report Transactions on the OGE 278 and Part 7 - May 2019.docx](#)

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Hi there,

Welcome back to the wonderful world of public financial disclosure reporting! I understand that you are now acting in the position of Director, Biopesticides & Pollution Prevention in OCSPP, which is a career SES position. Congratulations! In this role as a supervisor, you are obliged by [5 CFR § 2638.103](#) to set an example to model ethical behavior for your staff. In addition, because this position is designated as SES (even though, yes, we know you are still in the GS), and you'll occupy it for more than 60 days in a calendar year, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report, even though you are just acting in the position.

#### DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from the date your detail started which was 10/4/20. But since I'm a little tardy in notifying you, I've given you an extension of 45 days. Your report is due 12/18/20. If you need additional time, you must contact [ethics@epa.gov](mailto:ethics@epa.gov) before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

#### THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system ([www.INTEGRITY.gov](http://www.INTEGRITY.gov)) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns.

We assigned you a "new entrant" report. Your filer category is "Career SES" and your filer status is "other." For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you don't receive your account notification, then please check your clutter box for messages from INTEGRITY.gov or go directly to [www.INTEGRITY.gov](http://www.INTEGRITY.gov) and contact their help desk.

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the acting position, you have to file a termination report (so remember to notify us); (4) you will be subject to a late filing fee of \$200 for not filing your report timely.

There are also civil and criminal penalties for failure to file at all or for inaccurate reporting.

REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

#### REPORTING TRANSACTIONS

While you are on this detail, you are a public financial disclosure filer who is subject to the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see [EPA Ethics Advisory 2012-03](#) and our revised attached chart. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

#### YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

#### HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to report way more information that you did on the confidential financial disclosure report.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. So you are reporting the assets for yourself, your spouse and your dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just

write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.

- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments, but do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button.
- Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

## OTHER ETHICS REQUIREMENTS FOR YOU

### HATCH ACT

Because you are still a GS employee, you will remain "less restricted" under the Hatch Act. You should familiarize yourself with the Hatch Act as it affects you, and from the EPA intranet, can gain a good overview by reviewing our online [Hatch Act training course](#) or by referring to our attached handy chart that reminds you of your restrictions. I've also included a reminder about social media and lesser restricted employees.

### ETHICS TRAINING

As a public financial disclosure filer, you must take one hour of ethics training this year.

If you have any questions regarding this message or your obligations, then please contact me directly or anyone in the OGC Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov). We'll be happy to assist you.

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

The reporting periods for the OGE Form 278e vary depending on the type of report being filed.

Part	Report Information for the Following Period...			
	Nominee,  New Entrant, and Candidate	Annual	Termination	Annual / Termination
1. Filer's Positions Held Outside United States Government	Preceding Two Calendar Years to Filing Date	Preceding Calendar Year to Filing Date	Current Calendar Year to Term Date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)	Preceding Calendar Year to Term Date
2. Filer's Employment Assets & Income and Retirement Accounts	Preceding Calendar Year to Filing Date <sup>1</sup>	Preceding Calendar Year	Same as Part 1	Same as Part 1
3. Filer's Employment Agreements and Arrangements	As of Filing Date	Preceding Calendar Year to Filing Date	Same as Part 1	Same as Part 1
4. Filer's Sources of Compensation Exceeding \$5,000 in a Year	Preceding Two Calendar Years to Filing Date (n/a for Candidates)	N/A – Leave this Part blank	N/A – Leave this Part blank	N/A – Leave this Part blank
5. Spouse's Employment Assets & Income and Retirement Accounts	Preceding Calendar Year to Filing Date <sup>1</sup>	Preceding Calendar Year	Same as Part 1	Same as Part 1
6. Other Assets and Income	Preceding Calendar Year to Filing Date <sup>1</sup>	Preceding Calendar Year	Same as Part 1	Same as Part 1
7. Transactions	N/A – Leave this Part blank	Preceding Calendar Year <sup>2</sup>	Same as Part 1 <sup>2</sup>	Same as Part 1 <sup>2</sup>
8. Liabilities	Preceding Calendar Year to Filing Date <sup>1</sup>	Preceding Calendar Year	Same as Part 1	Same as Part 1
9. Gifts and Travel Reimbursements	N/A – Leave this Part blank	Preceding Calendar Year <sup>3</sup>	Same as Part 1 <sup>3</sup>	Same as Part 1 <sup>3</sup>

1. For example, if today is March 3, 2019, the reporting period would run from January 1, 2018, to March 3, 2019. When valuing assets and liabilities, the filer may choose any date that is fewer than 31 days before the filing date.

2. Filers do not need to include any period when they were not a public financial disclosure filer or an employee of the United States Government.

3. Filers do not need to include any period when they were not an employee of the United States Government.

#### Extensions Do Not Change the Reporting Period

The reporting period is tied to a report's original due date and is unaffected by any extensions. For example, a New Entrant report was originally due December 14, 2019. The filer received a 30-day extension and filed January 8, 2020. The Part 2 reporting period would start on January 1, 2018, and end on December 14, 2019.